

## Council Report For the Meeting of June 28, 2018

To:

Council

Date:

June 14, 2018

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Update Report for Rezoning, Development Permit with Variance No. 00582 and

Heritage Alteration Permit with Variances No. 00007 for 224 Superior Street

#### RECOMMENDATION

#### Rezoning Application No. 00582

That Council give first and second reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1141) No. 18-019 for Rezoning Application No. 00582 for 224 Superior Street.

#### Development Permit with Variance Application No. 00582

That Council, after giving notice and allowing for an Opportunity for Public Comment and a Public Hearing at a meeting of Council for Rezoning Application No. 00582, consider this updated motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00582 for 224 Superior Street, in accordance with:

- Plans date stamped April 23, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - Reduce the side yard (west) setback from 2.40m to 1.50m to allow for two habitable rooms with windows.
- 3. That prior to issuance of the Development Permit with Variance, the City receive confirmation of registration of a Statutory Right-of-Way (SRW) of 2.41m on Superior Street, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. The Development Permit lapsing two years from the date of this resolution."

#### Heritage Alteration Permit with Variances Application No. 00007

That Council, after giving notice and allowing for an Opportunity for Public Comment and a Public Hearing at a meeting of Council for Rezoning Application No. 00582, consider this updated motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances

No. 00007 for the existing Heritage Designated house at 224 Superior Street, in accordance with:

- 1. Plans date stamped April 23, 2018.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Reduce the side yard setback from 3.65m to 1.20m
  - ii. Reduce the rear yard setback from 4.0m to 1.36m
  - iii. Allow parking in the front yard
  - iv. Increase the site coverage from 30.0% to 35.09%.
- That prior to issuance of the Heritage Alteration Permit with Variances, the City receive confirmation of registration of a Statutory Right-of-Way (SRW) of 2.41m on Superior Street, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. Heritage Alteration Permit lapsing two years from the date of this resolution."

#### EXECUTIVE SUMMARY

The purpose of this report is to update Council on the Rezoning, Development Permit with Variance and Heritage Alteration Permit with Variances applications for 224 Superior Street. The conditions set by Council on December 14, 2017 have been met. The Statutory Right-of-Way has been executed by the applicant, the Bylaws have been drafted, and the applicant has met with staff to explore alternate parking layouts and have corrected minor plan inconsistencies.

#### BACKGROUND

The proposal is to subdivide the property at 224 Superior Street, retain the existing Heritage Designated house and rezone the new lot to the R1-S2 Zone, Restricted Small Lot (Two Storey) District. The existing house would be rezoned to a site-specific zone to allow four self-contained units. This application also requires a Development Permit with Variance for the small lot house and a Heritage Alteration Permit with Variances for the existing house.

#### Parking

At Committee of the Whole on December 14, 2018, Council motioned that Staff explore the parking layout further to help reduce the impact of the front yard parking on the streetscape. Staff looked at alternative parking configurations with the applicant; however, the layout proposed at Committee of the Whole most closely met the *Zoning Regulations Bylaw*, *Highway Access Bylaw* and other bylaws, and retained the existing publicly owned boulevard trees.

Parking is proposed to be in front of the Heritage Designated house in an 'L' shape configuration. This would allow the driveway crossing to be as far from the existing boulevard tree as possible, while also providing space for vehicles to back up. While two vehicles would park directly in front of the house, the location does not obstruct views of the upper levels of the house which have more heritage significance than the lower level. Additionally, there is an existing mature hedge which would help reduce the visibility of the vehicles from the street.

Parking on the east side-yard or rear-yard would be challenging, and was not seen as an ideal option. Locating parking on the east side with parallel parking would impact the mature plum trees on site, and would require more paving and hard surface.

Note: the landscaping on site is not designated heritage, and the trees are not bylaw protected.

#### Plan Revision

Minor revisions to the plans were required for consistency between the drawings and the detail on the materials proposed. The plans have been revised and are included in the attachments. The motion for Council's consideration has been updated to reflect this.

#### Statutory Right-of-Way

A Statutory Right-of-Way of 2.41m on Superior Street has been executed; however, at the time of writing this report the agreement has not been registered with the Land Titles Office by the applicant. The motion for Council's consideration has been updated to reflect this.

#### CONCLUSIONS

As per Council's motion on December 14, 2017, the applicant has explored alternative parking layouts, revised the plans to fix minor inconsistencies, and executed a Statutory Right-of-Way. As the applicant has carried out the recommendations set forth by Council, Staff recommend that the application advance to a Public Hearing for further consideration.

Respectfully submitted,

Chelsea Medd

Planner

Development Services Division

Jonathan Tinney, Director

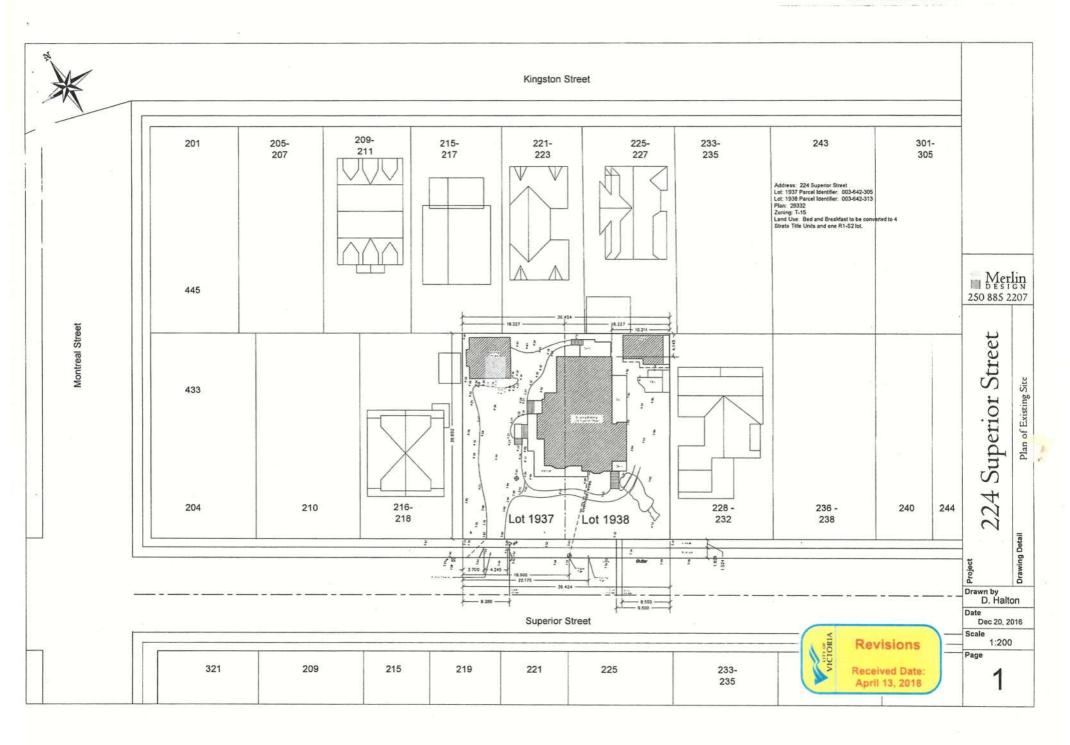
Sustainable Planning and Community

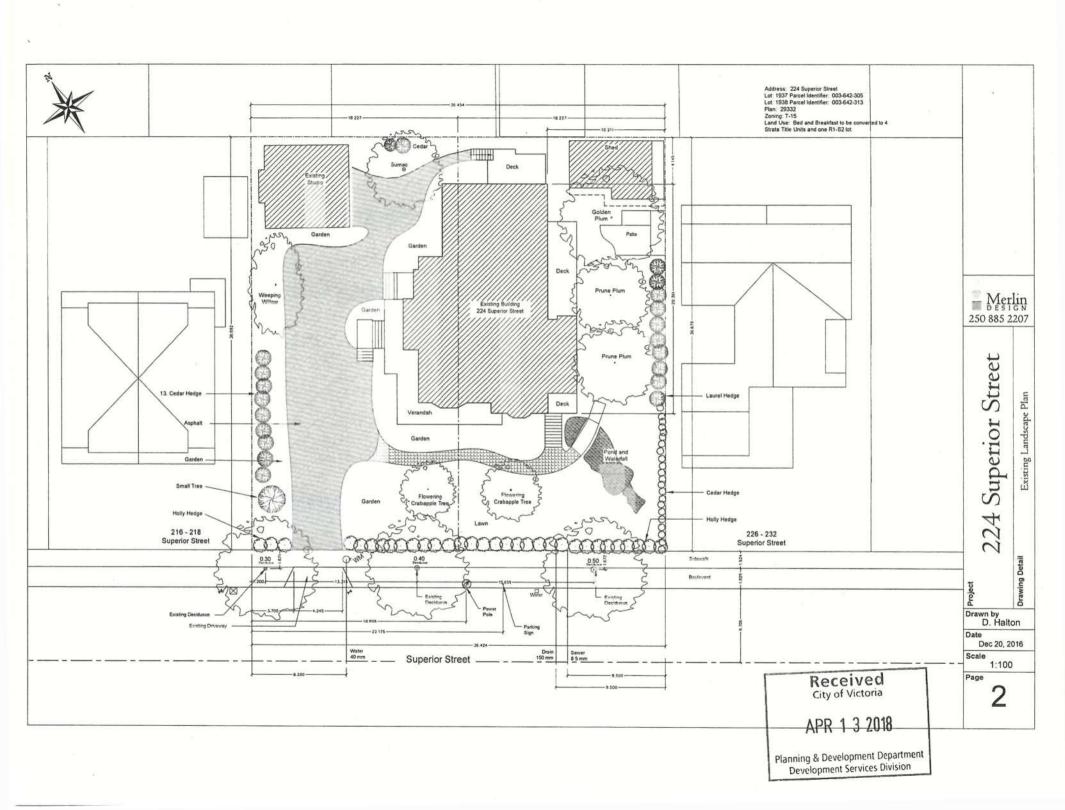
**Development Department** 

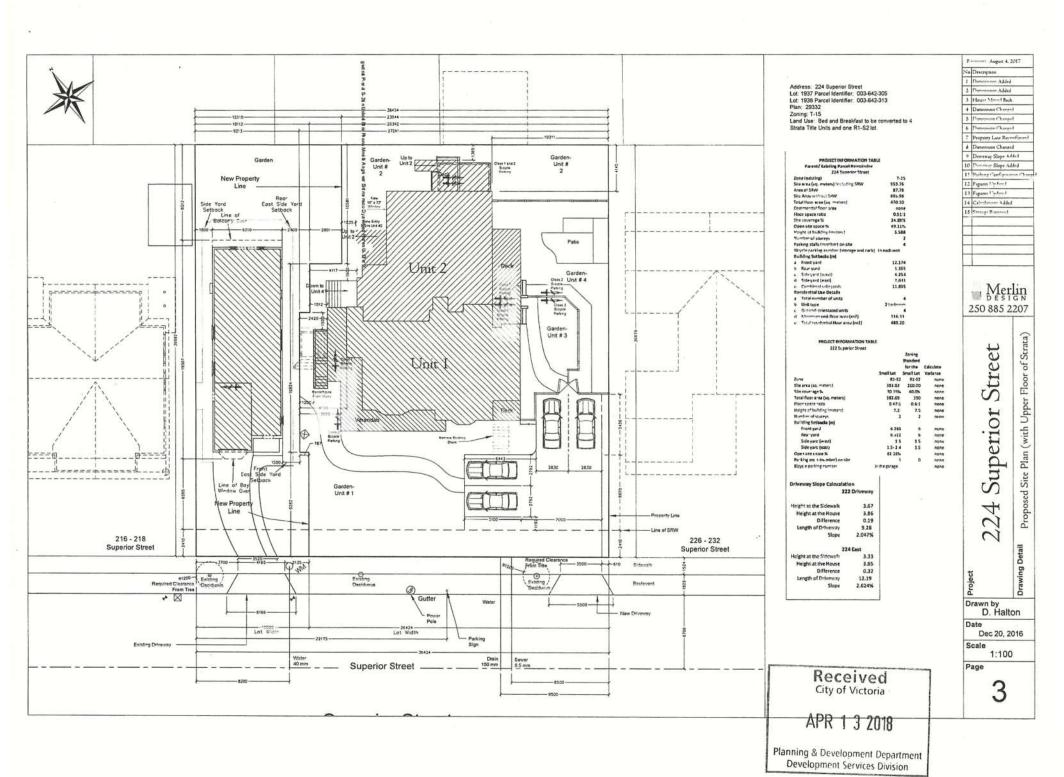
Report accepted and recommended by the City Manager

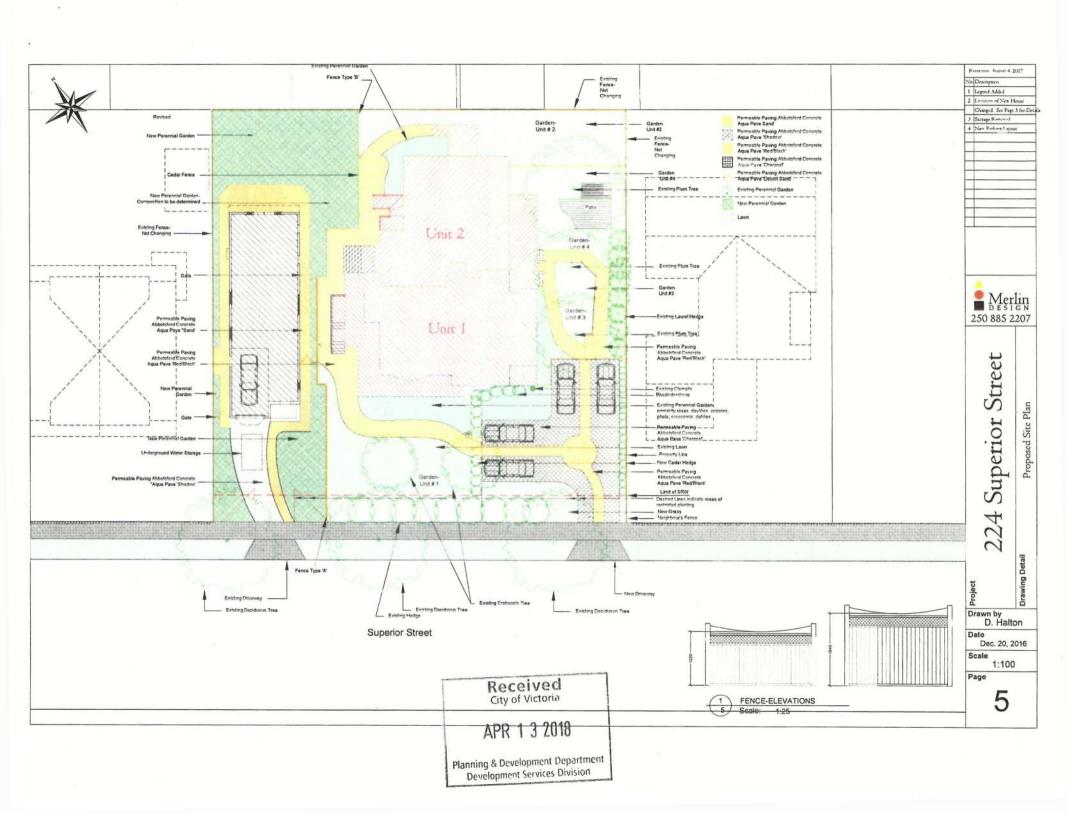
#### List of Attachments:

- Attachment A: Revised Plans date stamped April 13, 2018
- Attachment B: Council Motion from December 14, 2017.

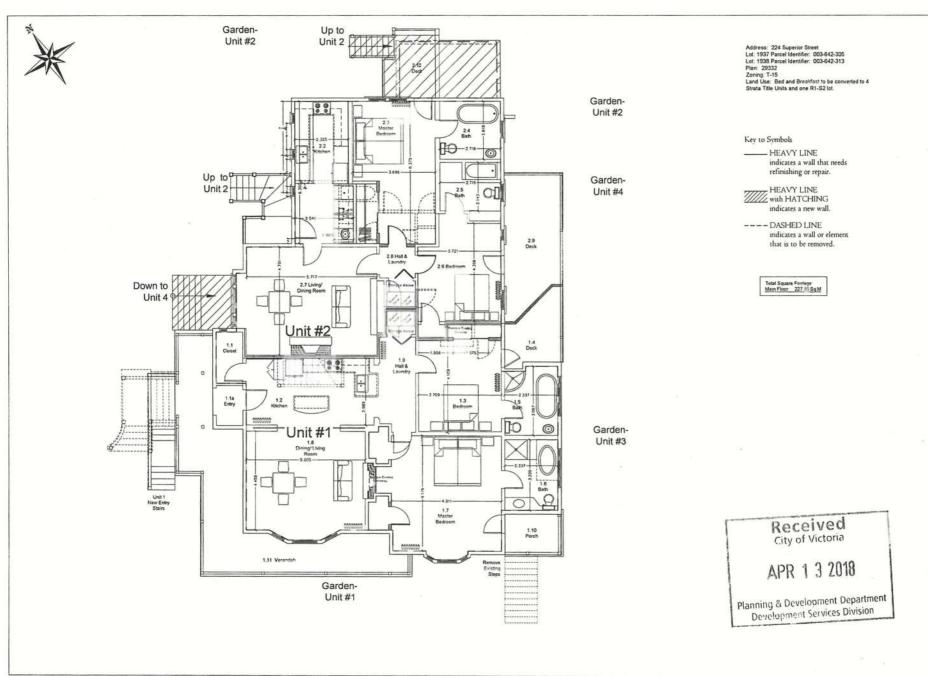












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Plan Details- Upper Floor of Strata

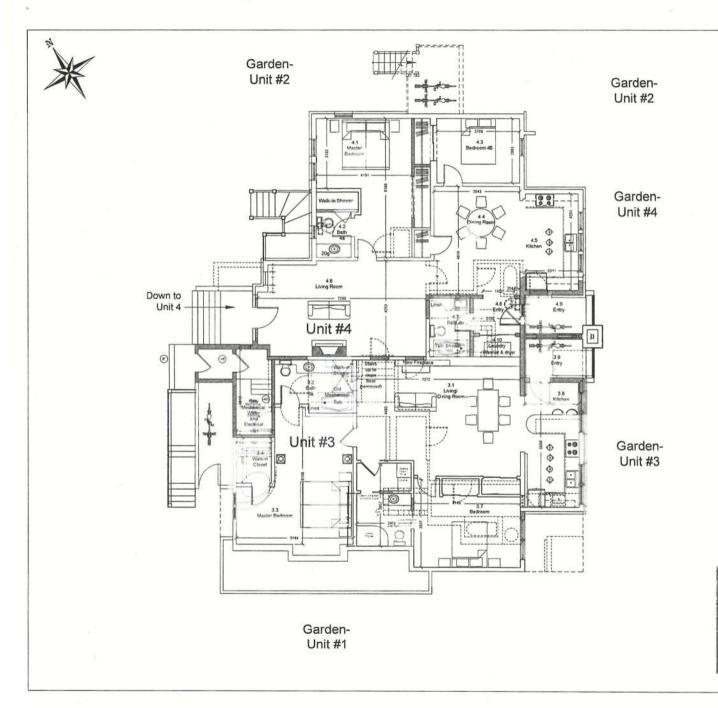
Street Superior S 24

Drawn by D. Halton

Date Dec 20, 2016

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Page



Address: 224 Superior Street Lot: 1937 Parcel Identifier: 003-642-305 Lot: 1938 Parcel Identifier: 003-642-313 Plan: 29332 Zoning: T-15 Land Use: Bed and Breakfast to be converted to 4 Strata Title Units and one R1-S2 lot.

Kev to Symbols

 HEAVY LINE indicates a wall that needs refinishing or repair.

HEAVY LINE with HATCHING indicates a new wall.

---- DASHED LINE indicates a wall or element that is to be removed.

Total Square Footage Lower Floor: 242 25 sq. M.

Received City of Victoria

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Planning & Development Department Development Services Division

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2	Square Footage Calmilmon
3	Mechanical Room Relocates
4	Area Reconfigured
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6	Storage Romanal
-	
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Merlin 250 885 2207

224 Superior Street

Plan- Lower Floor of Strata

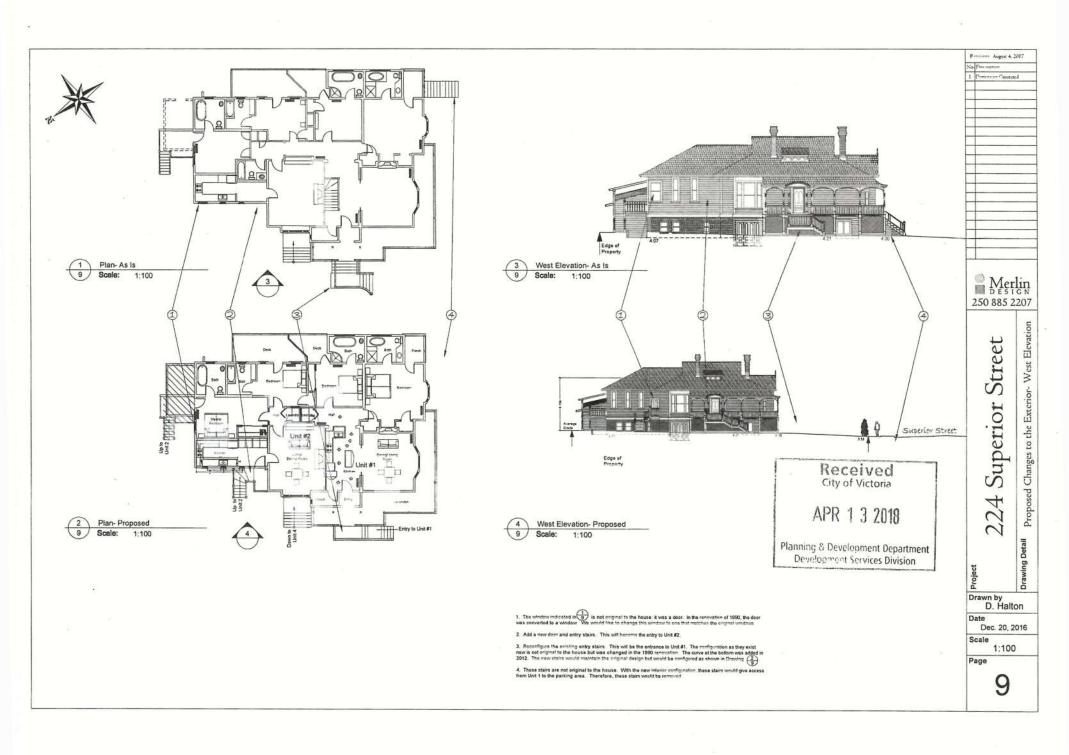
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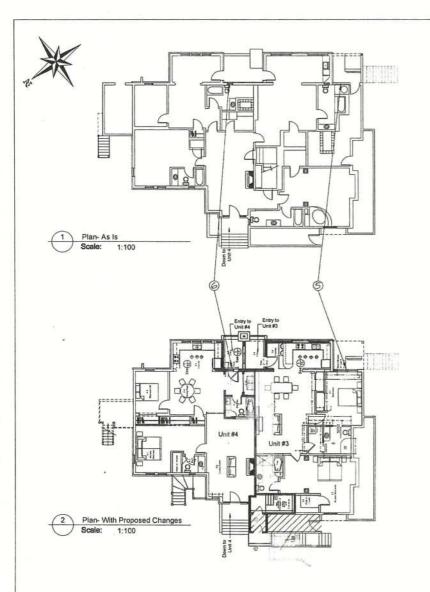
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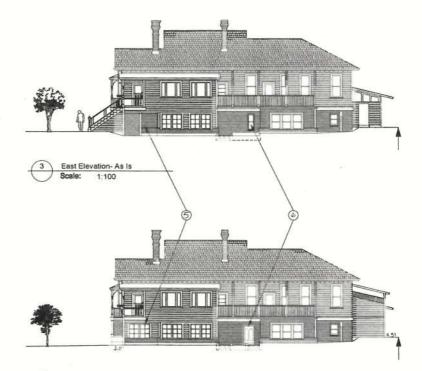
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East Elevation- With Proposed Changes
Scale: 1:100

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Development Services Division

All of these changes are on the East Side of the house and would not impact on the Heritage qualifies of the house in any meaningful way.

The existing door in the recess under the upper deck will be replaced with a window. This window is for the bedroom in Unit #3.

6. This window is recessed under the deck above. Replace the existing window with a new door as entry to Unit \$4.

Returner August 4, 2017

1 New Window Removed 2 Location of Window Chang

2 Location of Window Th 3 Facade Reconfigured

Merlin DESTGN 250 885 2207

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Superior Street

Detail

n by

Drawn by D. Halton

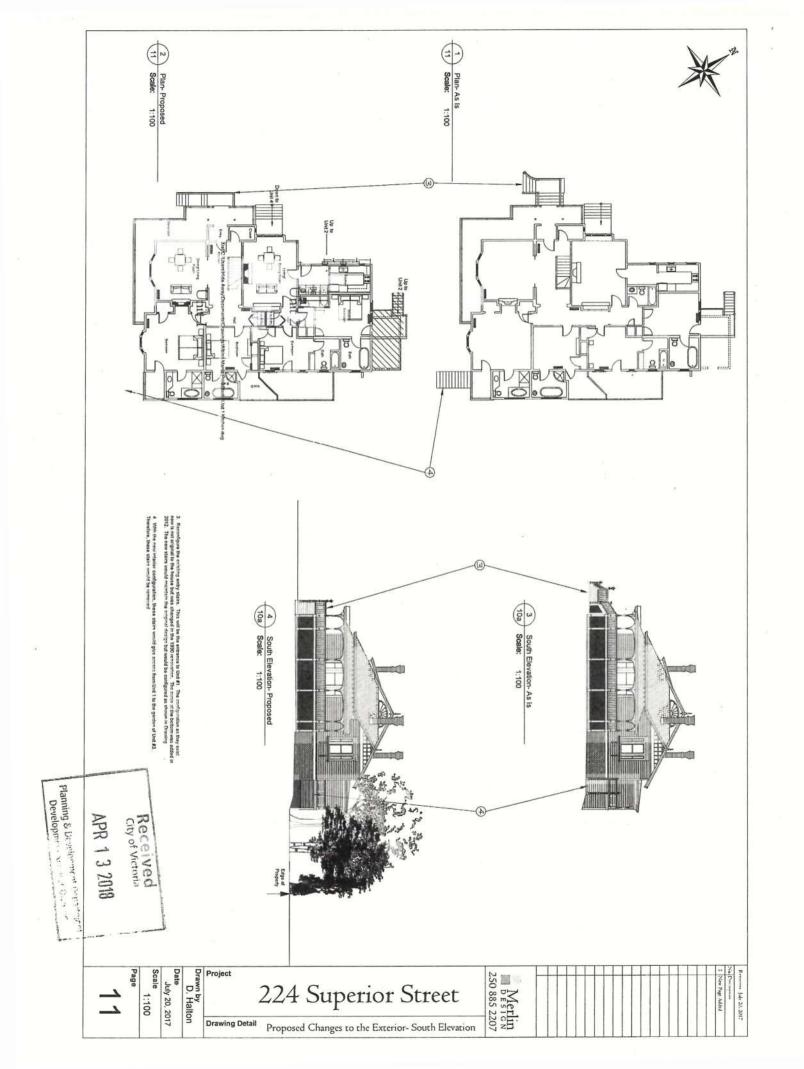
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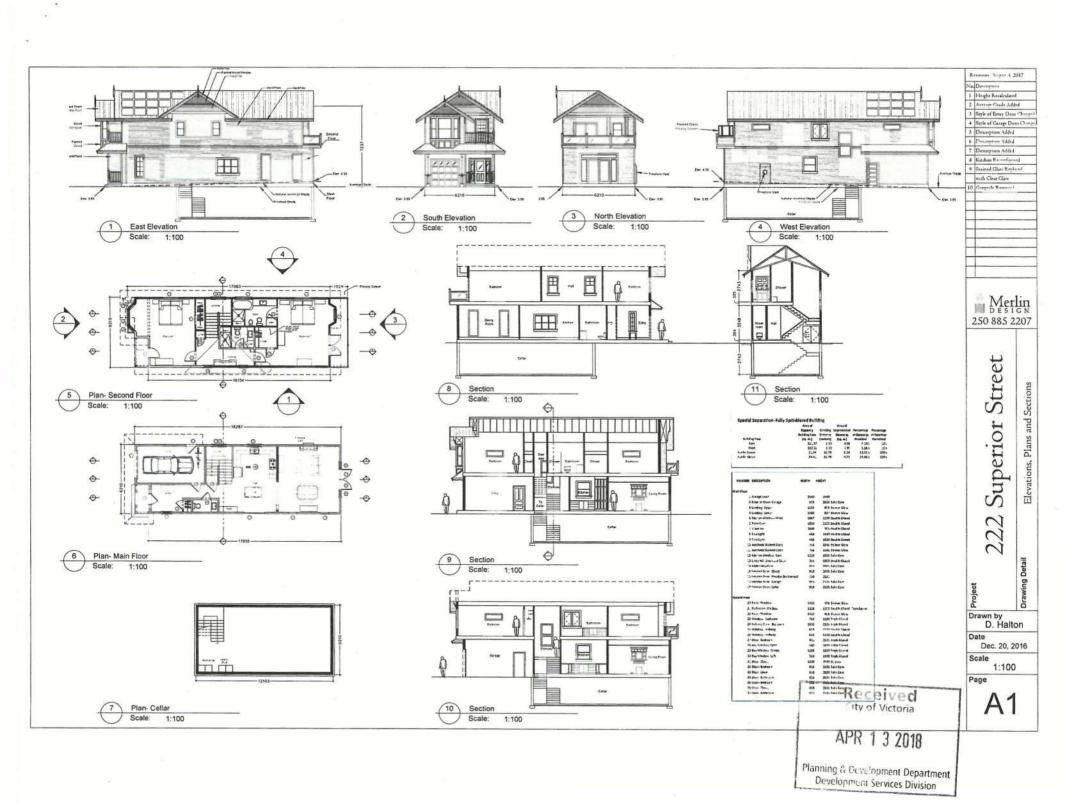
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224 Superior Street

Rezoning, Development Permit with Variance and Heritage Alteration Permit with Variances

Council Motion - December 14, 2017:

#### Rezoning Application No. 00582

That Council instruct staff to prepare the necessary Zoning Regulation bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00582 for 224 Superior Street, that first and second reading of the Zoning Regulation bylaw amendments be considered by Council and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way (SRW) of 2.41m on Superior Street.

#### Development Permit Application No. 00582

That Council after giving notice and allowing for an Opportunity for Public Comment at a meeting of Council and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00582 for 224 Superior Street, in accordance with:

- 1. Plans date stamped November 9, 2017
- Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
  - reduce the side yard (west) setback from 2.40m to 1.50m to allow for two habitable rooms with windows
- 3. The Development Permit lapsing two years from the date of this resolution."

#### Heritage Alteration Permit Application with Variances No. 00007

That subject to the correction of minor plan inconsistencies and the applicant exploring alternate parking layouts with staff to reduce the impact on the streetscape to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice, and allowing an Opportunity for Public Comment at a meeting of Council, and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances No. 00007 for the existing Heritage-Designated house at 224 Superior Street, in accordance with:

- 1. Plans, date stamped November 9, 2017
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. Reduce side yard setback from 3.65m to 1.20m
  - ii. Reduce rear yard setback from 4.0m to 1.36m

- iii. Relaxation to allow parking in the front yard
- iv. Increase the site coverage from 30.0% to 35.09%
- 3. Final plans as amended in accordance with this motion to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development
- 4. Heritage Alteration Permit lapsing two years from the date of this resolution."

#### NOTICE OF PUBLIC HEARING



#### APPLICATION FOR REZONING OF PROPERTY KNOWN AS 224 SUPERIOR STREE

#### ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1141) - No. 18-019:

The purposes of this Bylaw are to rezone the property with the civic address of 224 Superior Street so that:

- the western portion of the property is rezoned to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, in order to permit the land being used for a small lot house; and
- the eastern portion of the property is rezoned to the R2-56 Zone. Superior Street Conversion District, in order to permit the land being used for a four-unit multiple dwelling.

New Zones:

R1-S2 Zone, Restricted Small Lot (Two Storey) District; and

R2-56 Zone, Superior Street Conversion District

Legal descriptions: Lot 1937, Victoria City; and

Lot 1938, Victoria City

Existing Zone:

T-15 Zone, Superior Street Transient Accommodation District

The Bylaw will also repeal the bylaw (90-81) that created the T-15 Zone, Superior Street Transient Accommodation District.

#### DEVELOPMENT PERMIT WITH VARIANCE APPLICATION

The Council of the City of Victoria will also consider issuing a Development Permit with a variance for a portion of the land known as 224 Superior Street (in Development Permit Area 15A: Intensive Residential - Small Lot) for the purposes of reducing the side yard (west) setback from 2.40m to 1.50m to allow for two habitable rooms with windows, and approving the exterior design and finishes for the proposed small lot house, as well as, landscaping.

#### HERITAGE ALTERATION PERMIT WITH VARIANCES APPLICATION

The Council of the City of Victoria will also consider issuing a Heritage Alteration Permit with variances for the land known as 224 Superior Street, for the purposes of approving the exterior alterations to the existing heritage designated building. Variances on the R2-56 Zone, Superior Street Conversion District, are required as follows:

- Reduce west side yard setback from 3.65m to 1.20m
- Reduce rear yard setback from 4.0m to 1.36m
- Allow parking in the front yard
- Increase the site coverage from 30.0% to 35.09%.

Members of the public interested in this matter will be given an opportunity to be heard by City Council at a Public Hearing to be held in the Council Chamber, City Hall, #1 Centennial Square, Victoria, B.C., V8W 1P6, on Thursday, , 2018, at 6:30 p.m.

Correspondence can be submitted for inclusion in the meeting agenda via mail to the address noted above, or by email at: <a href="mailto:publichearings@victoria.ca">publichearings@victoria.ca</a>. Correspondence should be received by 11:00 a.m. the day before the Council meeting.

Copies of the proposed Bylaw and other relevant documents and information may be inspected at City Hall, #1 Centennial Square, Victoria, B.C. from the date of this Notice to and including the date of the Public Hearing, from 8:00 a.m. to 4:30 p.m., from Monday to Friday both inclusive, excluding public holidays.

Please note that all correspondence submitted to the City of Victoria in response to this Notice will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

# APPROVED AS TO CONTENT

#### NO. 18-019

#### A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by:

- Creating the R2-56 Zone, Superior Street Conversion District;
- Rezone a portion of the land known as 224 Superior Street from the T-15 Zone, Superior Street Accommodation District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District;
- Rezone a portion of the land known as 224 Superior Street from the T-15 Zone, Superior Street Accommodation District, to the R2-56 Zone, Superior Street Conversion District;
- Repeal Bylaw 90-81 creating the T-15 Zone, Superior Street Transient Accommodation District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

#### Title

 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1141)".

#### Rezoning

 Bylaw No. 80-109, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption <u>PART 2 – Attached Dwelling Zones</u> by adding the following words:

"2.147

R2-56 Superior Street Conversion District"

- The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 2.146 the provisions contained in Schedule 1 of this Bylaw.
- 4. The land known as 224 Superior Street, legally described as Lot 1937, Victoria City, and Lot 1938, Victoria City and shown hatched on the attached map, is removed from the T-15 Zone, Superior Street Accommodation District, and:
  - (a) that portion of the lot marked "R2-56" on the attached map is placed in the R2-56, Superior Street Conversion District; and
  - (b) that portion of the lot marked "R1-S2" on the attached map is placed in the R1-S2 Zone, Restricted Small Lot (Two Storey) District.

#### Repeal

- 5. Bylaw No. 90-81, the Zoning Regulation Bylaw, Amendment Bylaw (No. 293) is repealed.
- Bylaw No. 80-109, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption <u>PART 5 – Transient Accommodation Zones</u> by deleting the following words:

READ A FIRST TIME the	day of	2018
READ A SECOND TIME the	day of	2018
Public hearing held on the	day of	2018
READ A THIRD TIME the	day of	2018
ADOPTED on the	day of	2018

CITY CLERK

**MAYOR** 

#### Schedule 1

### PART 2.147 - R2-56 ZONE, SUPERIOR STREET CONVERSION DISTRICT

#### 2.147.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- b. <u>Multiple dwelling</u> created through a <u>house conversion</u> of a <u>building</u> constructed prior to 1900, with no more than four <u>self-contained dwelling units</u>
- c. Home occupation subject to the regulations in Schedule "D"

2.141	.2 Lot Area	
a.	Lot area (minimum)	945m²
2.147	.3 Floor Space Ratio	
a.	Floor space ratio (maximum)	0.5:1
2.147	.4 Height, Storeys	
a.	Principal <u>building</u> <u>height</u> (maximum)	7.6m
b.	Storeys (maximum)	2
	.5 Setbacks, Projections	
2.147	io doublio, i rojeotiono	
	Front yard setback (minimum)	11m
		11m
	Front yard setback (minimum)  Except for the following maximum projections into the	11m 2.5m
	Front yard setback (minimum)  Except for the following maximum projections into the setback:	
	Front yard setback (minimum)  Except for the following maximum projections into the setback:  • Steps less than 1.7m in height	2.5m
a.	Front yard setback (minimum)  Except for the following maximum projections into the setback:  • Steps less than 1.7m in height  • porch	2.5m 2.5m

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw

30%

2.147.6 Site Coverage, Open Site Space

a. Site Coverage (maximum)

## Schedule 1 PART 2.147 – R2-56 ZONE, SUPERIOR STREET CONVERSION DISTRICT

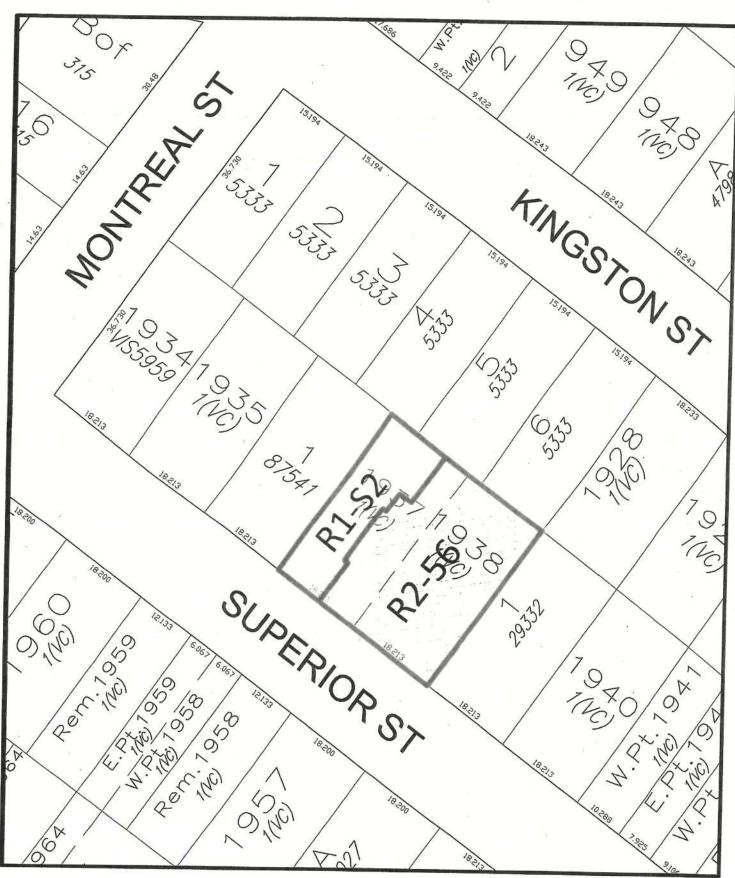
#### 2.147.7 Vehicle and Bicycle Parking

a. Vehicle and bicycle parking (minimum)

Subject to the regulations in Schedule "C" except as otherwise specified by regulations in this Part

b. Multiple dwelling (vehicle parking - minimum)

1 per unit





224 Superior Street Rezoning No.00582

